

1                                    AMENDMENT TO HOUSE BILL 360

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 360, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5            "Section 5. The State Finance Act is amended by adding  
6 Section 5.595 as follows:

7            (30 ILCS 105/5.595 new)

8            Sec. 5.595. The Emergency Public Health Fund.

9            Section 10. The Environmental Protection Act is amended  
10 by changing Sections 55 and 55.8 and adding Section 55.6a as  
11 follows:

12            (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

13            Sec. 55. Prohibited activities.

14            (a) No person shall:

15                    (1) Cause or allow the open dumping of any used or  
16 waste tire.

17                    (2) Cause or allow the open burning of any used or  
18 waste tire.

19                    (3) Except at a tire storage site which contains  
20 more than 50 used tires, cause or allow the storage of

1 any used tire unless the tire is altered, reprocessed,  
2 converted, covered, or otherwise prevented from  
3 accumulating water.

4 (4) Cause or allow the operation of a tire storage  
5 site except in compliance with Board regulations.

6 (5) Abandon, dump or dispose of any used or waste  
7 tire on private or public property, except in a sanitary  
8 landfill approved by the Agency pursuant to regulations  
9 adopted by the Board.

10 (6) Fail to submit required reports, tire removal  
11 agreements, or Board regulations.

12 (b) (Blank.)

13 (b-1) Beginning January 1, 1995, no person shall  
14 knowingly mix any used or waste tire, either whole or cut,  
15 with municipal waste, and no owner or operator of a sanitary  
16 landfill shall accept any used or waste tire for final  
17 disposal; except that used or waste tires, when separated  
18 from other waste, may be accepted if: (1) the sanitary  
19 landfill provides and maintains a means for shredding,  
20 slitting, or chopping whole tires and so treats whole tires  
21 and, if approved by the Agency in a permit issued under this  
22 Act, uses the used or waste tires for alternative uses, which  
23 may include on-site practices such as lining of roadways with  
24 tire scraps, alternative daily cover, or use in a leachate  
25 collection system or (2) the sanitary landfill, by its  
26 notification to the Illinois Industrial Materials Exchange  
27 Service, makes available the used or waste tire to an  
28 appropriate facility for reuse, reprocessing, or converting,  
29 including use as an alternate energy fuel. If, within 30  
30 days after notification to the Illinois Industrial Materials  
31 Exchange Service of the availability of waste tires, no  
32 specific request for the used or waste tires is received by  
33 the sanitary landfill, and the sanitary landfill determines  
34 it has no alternative use for those used or waste tires, the

1 sanitary landfill may dispose of slit, chopped, or shredded  
2 used or waste tires in the sanitary landfill. In the event  
3 the physical condition of a used or waste tire makes  
4 shredding, slitting, chopping, reuse, reprocessing, or other  
5 alternative use of the used or waste tire impractical or  
6 infeasible, then the sanitary landfill, after authorization  
7 by the Agency, may accept the used or waste tire for  
8 disposal.

9 Sanitary landfills and facilities for reuse,  
10 reprocessing, or converting, including use as alternative  
11 fuel, shall (i) notify the Illinois Industrial Materials  
12 Exchange Service of the availability of and demand for used  
13 or waste tires and (ii) consult with the Department of  
14 Commerce and Community Affairs regarding the status of  
15 marketing of waste tires to facilities for reuse.

16 (c) ~~On or before January 17, 1990,~~ Any person who sells  
17 new or used tires at retail or operates a tire storage site  
18 or a tire disposal site which contains more than 50 used or  
19 waste tires shall give notice of such activity to the Agency.  
20 Any person engaging in such activity for the first time after  
21 January 1, 1990, shall give notice to the Agency within 30  
22 days after the date of commencement of the activity. The  
23 form of such notice shall be specified by the Agency and  
24 shall be limited to information regarding the following:

25 (1) the name and address of the owner and operator;

26 (2) the name, address and location of the  
27 operation;

28 (3) the type of operations involving used and waste  
29 tires (storage, disposal, conversion or processing); and

30 (4) the number of used and waste tires present at  
31 the location.

32 (d) Beginning January 1, 1992, no person shall cause or  
33 allow the operation of:

34 (1) a tire storage site which contains more than 50

1 used tires, unless the owner or operator, by January 1,  
2 1992 (or the January 1 following commencement of  
3 operation, whichever is later) and January 1 of each year  
4 thereafter, (i) registers the site with the Agency, (ii)  
5 certifies to the Agency that the site complies with any  
6 applicable standards adopted by the Board pursuant to  
7 Section 55.2, (iii) reports to the Agency the number of  
8 tires accumulated, the status of vector controls, and the  
9 actions taken to handle and process the tires, and (iv)  
10 pays the fee required under subsection (b) of Section  
11 55.6; or

12 (2) a tire disposal site, unless the owner or  
13 operator (i) has received approval from the Agency after  
14 filing a tire removal agreement pursuant to Section 55.4,  
15 or (ii) has entered into a written agreement to  
16 participate in a consensual removal action under Section  
17 55.3.

18 The Agency shall provide written forms for the annual  
19 registration and certification required under this subsection  
20 (d).

21 (e) No person shall cause or allow the storage,  
22 disposal, treatment or processing of any used or waste tire  
23 in violation of any regulation or standard adopted by the  
24 Board.

25 (f) No person shall arrange for the transportation of  
26 used or waste tires away from the site of generation with a  
27 person known to openly dump such tires.

28 (g) No person shall engage in any operation as a used or  
29 waste tire transporter except in compliance with Board  
30 regulations.

31 (h) No person shall cause or allow the combustion of any  
32 used or waste tire in an enclosed device unless a permit has  
33 been issued by the Agency authorizing such combustion  
34 pursuant to regulations adopted by the Board for the control

1 of air pollution and consistent with the provisions of  
2 Section 9.4 of this Act.

3 (i) No person shall cause or allow the use of pesticides  
4 to treat tires except as prescribed by Board regulations.

5 (j) No person shall fail to comply with the terms of a  
6 tire removal agreement approved by the Agency pursuant to  
7 Section 55.4.

8 (Source: P.A. 92-574, eff. 6-26-02.)

9 (415 ILCS 5/55.6a new)

10 Sec. 55.6a. Emergency Public Health Fund. Beginning on  
11 July 1, 2003, moneys in the Emergency Public Health Fund,  
12 subject to appropriation, shall be allocated as follows: (i)  
13 \$200,000 to the Department of Natural Resources for the  
14 purposes described in Section 55.6(c)(6) and (ii) all  
15 remaining amounts to the Department of Public Health to be  
16 used to make vector control grants and surveillance grants to  
17 the Cook County Department of Public Health (for areas of the  
18 County excluding the City of Chicago), to the City of Chicago  
19 health department, and to other local health departments.  
20 These grants shall be used for expenses related to West Nile  
21 Virus and other vector-borne diseases. The amount of each  
22 grant shall be based on population and need as supported by  
23 information submitted to the Department of Public Health.  
24 For the purposes of this Section, need shall be determined by  
25 the Department based primarily upon the number of positive  
26 human cases of West Nile Virus and other vector-borne  
27 diseases occurring during the preceding year and current year  
28 in the county or municipality seeking the grant.

29 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

30 Sec. 55.8. Tire retailers.

31 (a) Beginning July 1, 1992, any person selling new or  
32 used tires at retail or offering new or used tires for retail

1 sale in this State shall:

2 (1) collect from retail customers a fee of one  
3 dollar per new and used tire sold and delivered in this  
4 State to be paid to the Department of Revenue and  
5 deposited into the Used Tire Management Fund, less a  
6 collection allowance of 10 cents per tire to be retained  
7 by the retail seller and a collection allowance of 10  
8 cents per tire to be retained by the Department of  
9 Revenue and paid into the General Revenue Fund;

10 (1.5) beginning on July 1, 2003, collect from  
11 retail customers an additional 50 cents per new or used  
12 tire sold and delivered in this State. The money  
13 collected from this fee shall be deposited into the  
14 Emergency Public Health Fund. This fee shall no longer  
15 be collected beginning on January 1, 2008.

16 (2) accept for recycling used tires from customers,  
17 at the point of transfer, in a quantity equal to the  
18 number of new tires purchased; and

19 (3) post in a conspicuous place a written notice at  
20 least 8.5 by 11 inches in size that includes the  
21 universal recycling symbol and the following statements:  
22 "DO NOT put used tires in the trash."; "Recycle your used  
23 tires."; and "State law requires us to accept used tires  
24 for recycling, in exchange for new tires purchased."

25 (b) A person who accepts used tires for recycling under  
26 subsection (a) shall not allow the tires to accumulate for  
27 periods of more than 90 days.

28 (c) The requirements of subsection (a) of this Section  
29 do not apply to mail order sales nor shall the retail sale of  
30 a motor vehicle be considered to be the sale of tires  
31 at retail or offering of tires for retail sale. Instead of  
32 filing returns, retailers of tires may remit the tire user  
33 fee of \$1.00 per tire to their suppliers of tires if the  
34 supplier of tires is a registered retailer of tires and

1 agrees or otherwise arranges to collect and remit the tire  
2 fee to the Department of Revenue, notwithstanding the fact  
3 that the sale of the tire is a sale for resale and not a sale  
4 at retail. A tire supplier who enters into such an  
5 arrangement with a tire retailer shall be liable for the tax  
6 on all tires sold to the tire retailer and must (i) provide  
7 the tire retailer with a receipt that separately reflects the  
8 tire tax collected from the retailer on each transaction and  
9 (ii) accept used tires for recycling from the retailer's  
10 customers. The tire supplier shall be entitled to the  
11 collection allowance of 10 cents per tire.

12 The retailer of the tires must maintain in its books and  
13 records evidence that the appropriate fee was paid to the  
14 tire supplier and that the tire supplier has agreed to remit  
15 the fee to the Department of Revenue for each tire sold by  
16 the retailer. Otherwise, the tire retailer shall be directly  
17 liable for the fee on all tires sold at retail. Tire  
18 retailers paying the fee to their suppliers are not entitled  
19 to the collection allowance of 10 cents per tire.

20 (d) The requirements of subsection (a) of this Section  
21 shall apply exclusively to tires to be used for vehicles  
22 defined in Section 1-217 of the Illinois Vehicle Code,  
23 aircraft tires, special mobile equipment, and implements of  
24 husbandry.

25 (e) The requirements of paragraph (1) of subsection (a)  
26 do not apply to the sale of reprocessed tires. For purposes  
27 of this Section, "reprocessed tire" means a used tire that  
28 has been recapped, retreaded, or regrooved and that has not  
29 been placed on a vehicle wheel rim.

30 (Source: P.A. 90-14, eff. 7-1-97.)

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law."